

SOUTH AFRICA / JUDGMENT

Mdluli v International Union for Conservation of Nature (JS457/2016) [2018] ZALCJHB 92 (6 March 2018) [2018] ZALCJHB 92

COURT

Labour Court Johannesburg

BEFORE

Lagrange

CASE / FILE NUMBER

JS457/2016

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THE LABOUR COURT OF SOUTH AFRICA,

HELD AT JOHANNESBURG

Case No: JS 457/2016

In the matter between:

DITSE EMILY MDLULI Applicant and INTERNATIONAL UNION FOR CONSERVATION OF NATURE
Respondent

Cost order delivered: 6 March 2018

Summary: (Condonation – negligence of legal representatives – applicant acted reasonably – appropriate cost order)

COSTS ORDER

LAGRANGE J

Background

[1] On 7 November 2017, the following order was made in this matter:

1. The applicant's late referral of her statement of claim is condoned.
2. Within 15 days of receipt of this order, the applicant's erstwhile attorneys of record, Hlahla Inc. must show good cause why they should not be ordered to pay costs de bonis propriis to the respondent for its costs incurred in opposing the condonation application on account of failing to timeously refer the applicant's statement of claim.

- [2] Despite having ample opportunity to make representations, the applicant's former attorneys of record have made none. In the circumstances, they have failed to satisfy me that the late referral of the applicant's statement of claim was not attributable to their gross negligence and why they should not be held liable for the costs of the opposed condonation application.

Order

- [3] Hlahla Incorporated must pay the costs de bonis propriis to the respondent for its costs incurred in opposing the applicant's condonation application for the late referral of her statement of claim.

Lagrange J

Judge of the Labour Court of South Africa

(In chambers)

APPEARANCES

APPLICANT:

G van der Westhuizen instructed by MacRobert Attorneys

RESPONDENT:

W P Bekker instructed by Gildenhuys Malatji Inc.

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